

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NEW YORK, NEW YORK

MOHAMMAD MOHAKEM KHAN)
)
Plaintiff,)
)
v.)
)
MICHAEL CHERTOFF,)
Secretary of Homeland Security,)
)
ANDREA QUARANTILLO,)
District Director, USCIS)
Defendants.)

Docket No. 08cv3129

Agency Case No: 46-765-400

PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE OF MANDAMUS

COME NOW Mohammad Mohakem Khan, Plaintiff in the above-styled and numbered cause, and for cause of action would show unto the Court the following:

1. This action is brought against the Defendants to compel action on an application for citizenship properly filed by the Plaintiff. The application was filed and remains within the jurisdiction of the Defendants, who have improperly withheld action on said application to Plaintiff's detriment. The Defendants have a clear duty to perform the act in response to Plaintiff's application.

PARTIES

2. Plaintiff, Mohammad Mohakem Khan, is a Legal Permanent Resident of the United States. A photocopy of Plaintiff's Permanent Resident Card is attached hereto and incorporated herein as Exhibit A. Plaintiff submitted an N-400, Application for Naturalization, with Defendant, the Department of Homeland Security, U.S. Citizenship and Immigration Services on April 2, 2004, a receipt of which is attached hereto and incorporated herein as Exhibit B.
3. Defendant, Andrea Quarantillo, District Director of the New York City District Office is an official of the BCIS generally charged with supervisory authority over all operations of the BCIS within her District with certain specific exceptions not relevant here 8 C.F.R. §103.1(b)(2)(ii)(B). As will be shown, Defendant

District Director is the official with whom Plaintiff's application for citizenship was properly filed.

4. Defendant Michael Chertoff, is the Secretary of Department of Homeland Security (DHS), and this action is brought against him in his official capacity. The USCIS was created pursuant to Section 452 of the Homeland Security Act of 2002 (Public Law 107-296) within the DHS. The USCIS is an agency within the Department of Homeland Security to whom the secretary has the authority for supervision, operation and management. Michael Chertoff is authorized to delegate his official powers and authority to subordinate employees of the USCIS.

JURISDICTION

5. Jurisdiction in this case is proper under 28 U.S.C. §§1331 and 1361, 5 U.S.C. §701 et seq., and 28 U.S.C. §2201 et seq. Relief is requested pursuant to said statutes.

VENUE

6. Venue is proper in this court, pursuant to 28 U.S.C. §1391(e), in that this is an action against officers and agencies of the United States in their official capacities, brought in the District where a Defendant resides and where a substantial part of the events or omissions giving rise to Plaintiff's claim occurred. More specifically, Plaintiff's application for citizenship, remains pending with the District Director of the New York City District Office, USCIS.

EXHAUSTION OF REMEDIES

7. Plaintiff has exhausted his administrative remedies. Plaintiff has made numerous inquiries concerning the status of their application to no avail. See Exhibits A-N. Plaintiff has no alternative, fully adequate remedy available.

CAUSE OF ACTION

8. All legal prerequisites having been satisfied, Plaintiff applied for naturalization. The N400 Application for Naturalization was filed with USCIS in Lincoln, Nebraska, on April 2, 2004. At the time of said filing, such applications were being adjudicated by USCIS in a period of between six to nine months. Plaintiff's

application for naturalization was previously pending before the USCIS Denver District Office. Said application is currently pending before Defendant Quarantillo, USCIS District Director, New York Office. See Exhibit M. Plaintiff has notified USCIS of any and all changes of address as required by 8 U.S.C. §1305. See Exhibit C; Exhibit D; and Exhibit E.

9. Plaintiff received a notice to appear for an interview on his application on August 27, 2004. Plaintiff appeared and passed the required tests for English and U.S. history and government as evidenced by the Form N-652, Naturalization Interview Results attached hereto and incorporated herein as Exhibit F. That same Form stated "case pending FBI name checks" signed by INS officer Baus.
10. At the conclusion of the interview on August 27, 2004, Plaintiff received a letter from USCIS stating that his application for naturalization cannot be adjudicated until national security checks are complete, "it is not unusual for checks to take well over six months." See Exhibit G. Furthermore, the letter requested Plaintiff not to inquire in regard to the status of his application until after 120 days from the date of his interview.
11. Plaintiff contacted USCIS on December 8, 2004, requesting information on the status of his application. Plaintiff received a letter stating that Plaintiff's application "is pending receipt for security checks." Attached hereto and incorporated herein as Exhibit H.
12. Plaintiff made a Freedom of Information-Privacy Acts (FOIPA) request to the Federal Bureau of Investigation (FBI) concerning his application. On February 22, 2005, Plaintiff received a response from the FBI stating "[a] search of the automated indices to our central records system files located no records at FBI Headquarters responsive to your FOIPA request." Attached hereto and incorporated herein as Exhibit I.
13. Plaintiff contacted the FBI via email on February 7, 2005 requesting an update on his security checks. Plaintiff received an untimely response from the FBI, dated August 16, 2005, simply stating that a security check request was made by USCIS on April 20, 2004, and was still pending. Attached hereto and incorporated herein as Exhibit J.
14. Plaintiff wrote a letter dated May 3, 2007 to the USCIS Ombudsman (CISO). CISO replied in a letter dated May 18, 2007, stating that a "formal inquiry" was initiated concerning Plaintiff's application and that a response from USCIS should be expected "within forty-five days." Attached hereto and incorporated herein as Exhibit K.
15. Plaintiff received with eager anticipation the response to his inquiry from USCIS in a letter dated June 4, 2007. To Plaintiff's great disappointment the letter simply stated "[a] check of our records establishes that your case is not yet ready

for decision, as the required investigation into your background remains open.” Attached hereto and incorporated herein as Exhibit L.

16. Plaintiff contacted USCIS on December 4, 2007, requesting information on the status of his application. Again, Plaintiff received a letter stating that Plaintiff’s application “is pending receipt for security checks.” Attached hereto and incorporated herein as Exhibit M.
17. Plaintiff contacted Anthony David Weiner, Member of Congress, asking his office to inquire regarding Plaintiff’s application evidenced by an inquiry from Mr. Weiner’s office dated January 29, 2008, attached hereto and incorporated herein as Exhibit N.
18. Defendants have sufficient information to determine Plaintiff’s eligibility pursuant to applicable requirements. To date, said petition (Form) and application (Form N400) have not been adjudicated.
19. Defendants’ refusal to act in this case is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have delayed in and have refused to, adjudicate Plaintiff’s application for approximately 4 years, thereby depriving Plaintiff of the right to a decision on his status and the peace of mind to which Plaintiff is entitled.
20. Plaintiff has been greatly damaged by the failure of Defendants to act in accord with their duties under the law. Specifically, Plaintiff has been damaged by simply being deprived of citizenship during the interminable pendency of his application.
21. The Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §701 et seq., are unlawfully withholding or unreasonably delaying action on Plaintiff’s application and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiff’s case.
22. Plaintiff has made numerous status inquiries in an attempt to secure adjudication of his application, all to no avail. Accordingly, Plaintiff has been forced to retain the service of an attorney to pursue his application and to pursue the instant action.

PRAYER FOR RELIEF

23. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- a. requiring Defendants to adjudicate Plaintiff Khan's application for citizenship; and
- b. granting such other relief at law and in equity as justice may require.

New York, NY
March 26, 2008




Respectfully Submitted,

Gary J. Yerman, Esq.
401 Broadway, Suite 1210
New York, New York 10013
(212) 219-0288

A

PERMANENT RESIDENT CARD
NAME KHAN, MOHAMMOD M

INS A# 046-765-400
Birthdate 10/1/1965 Sex M
Country of Birth Bangladesh
CARD EXPIRES 03/27/09
Residence 03/27/99




C1USA0467654007SRC9924253890<<
7910177M0908254BGD<<<<<<<<<<<<2
KHAN<<MOHAMMOD<MOHAKEM<<<<<<<<<<<<

B

Notice of Action

UNITED STATES OF AMERICA

Receipt			NOTICE DATE April 13, 2004
CASE TYPE N400 Application For Naturalization			INS AA A 046 765 400
APPLICATION NUMBER LIN*000650642	RECEIVED DATE April 02, 2004	PRIORITY DATE April 02, 2004	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS MOHAMMOD MOHAKEM KHAN # 202 12726 E PACIFIC DR DENVER CO 80014		PAYMENT INFORMATION: Single Application Fee: \$310.00 Total Amount Received: \$310.00 Total Balance Due: \$0.00	
<p>The above application has been received by our office and is in process. Our records indicate your personal information is as follows:</p> <p>Date of Birth: October 17, 1979 Address Where You Live: 12726 E PACIFIC DR # 202 DENVER CO 80014</p> <p>Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.</p> <p>You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 450 days of this notice.</p>			
<p>If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.</p> <p>If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.</p> <p>If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.</p>			
INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE PO BOX 37400 LINCOLN NE 68501-		INS Customer Service Number: (800) 375-5283	
APPLICANT COPY			
LINS000606915			

C

Department of Homeland Security
Bureau of Citizenship and Immigration

OMB No. 1615-0007; Exp. 10/31/04

Alien's Change of Address Card

NAME (Last in CAPS)		(First)	(Middle)	I AM IN THE UNITED STATES AS:	
KHAN MOHAMMAD MOHAKEM				<input type="checkbox"/> Visitor	<input checked="" type="checkbox"/> Permanent Resident
COUNTRY OF CITIZENSHIP		DATE OF BIRTH		COPY NUMBER FROM ALIEN CARD	
BANGLADESH		10/17/1979		A 046-765-400	
PRESENT ADDRESS		(Street or Rural Route)	(City or Post Office)	(State)	(ZIP Code)
9100 E. Florida Ave.		15-201	Denver	CO	80247
(IF ABOVE ADDRESS IS TEMPORARY) I expect to remain there _____ years _____ months					
LAST ADDRESS		(Street or Rural Route)	(City or Post Office)	(State)	(ZIP Code)
12726 E. Pacific Dr.		202	Aurora	CO	80014
I WORK FOR OR ATTEND SCHOOL AT: (Employer's Name or Name of School)					
Trillion Partners, 9208 Waterford Center Blvd. #150, Austin, TX 78758					
(Street Address or Rural Route)		(City or Post Office)		(State)	(ZIP Code)
PORT OF ENTRY INTO U.S.		DATE OF ENTRY INTO U.S.		IF NOT A PERMANENT RESIDENT, MY STAY IN THE U.S. EXPIRES ON: (Date)	
Chicago, IL		6/27/1999			
SIGNATURE		DATE			
		9/01/04			

AR-11 (Rev. 06/17/03)Y

ALIEN'S CHANGE OF ADDRESS CARD

This card is to be used by all aliens to report change of address within 10 days of such change.

The collection of this information is required by Section 265 of the I&N Act (8 U.S.C. 1305). The data used by the Bureau of Citizenship and Immigration Service for statistical and record purposes and may be furnished to federal, state, local and foreign law enforcement officials. Failure to report is punishable by fine or imprisonment and/or deportation.

This card is not evidence of identity, age, or status claimed.

Public Reporting Burden. Under the Paperwork Reduction Act, an agency may not conduct or sponsor an information collection and a person is not required to respond to an information collection unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. This collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including for reducing this burden to: Bureau of Citizenship and Immigration Services, HQRF5, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1615-0007. **Do not mail your completed form to this address. MAIL YOUR FORM TO THE ADDRESSES SHOWN BELOW:**


For commercial overnight or fast freight.

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134

U.S. DEPARTMENT OF HOMELAND SECURITY
Bureau of Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744

D

Electronic Submission of the
**AR-11, Alien's Change
of Address Card**Department of Homeland Security
U.S. Citizenship and Immigration Services

Name (Last in CAPS)	(First Name)	(Middle Name)	I am in the United States as a:	
Khan	Mohammad	Mohakem	<input type="radio"/> Visitor	<input checked="" type="radio"/> Permanent Resident
			<input type="radio"/> Student	<input type="radio"/> Other
Country of Citizenship	Date of Birth	Copy Number From Alien Card		
Bangladesh	10/17/1979	A 046765400		
Present Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
8525 120th St APT 6C	Kew Gardens	NY	11415	
(If the above address is temporary) I expect to remain there _____ Years _____ Months				
Last Address (Street or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
2563 Xenia St.	Denver	CO	80238	
I work for or attend school at: (Employer's Name or Name of School)				
Goldman Sachs & Co.				
(Street Address or Rural Route)	(City or Post Office)	(State)	(Zip Code)	
30 Hudson St.	Jersey City	NJ	07302	
Port of Entry Into U.S.	Date of Entry Into U.S.	If not a Permanent Resident, my stay in the U.S. expires on:		
Newark, NJ	12/17/2006			
Signature	Date			
	01/15/2007 17:24			

AR-11, Alien's Change of Address Card

This card is to be used by all aliens to report a change of address within ten days of such change.

The collection of this information is required by Section 265 of the Immigration and Nationality Act (8 U.S.C. 1305). The data is used by U.S. Citizenship and Immigration Services for statistical and record purposes and may be furnished to Federal, State, local and foreign law enforcement officials. Failure to report a change of address is punishable by fine or imprisonment and/or removal.

ADVISORY: This card is not evidence of identity, age or status claimed.This is a paper-copy of your Electronic Form AR-11, Alien's Change of Address Card. **Please do not mail in this form.** Retain it for your records only.

Your confirmation number is: COA01507000797


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USCIS Online Change of Address

Electronic Submission of the AR-11 Alien's Change of Address Card

Customer

Last Name

Khan

First Name

Mohammod

Middle Name

Mohakem

Status in the U.S.

Permanent Resident

If 'Other'

Country of Citizenship

Bangladesh

Date of Birth

10/17/1979

A Number

A046765400

New Address

Street

60-36 Wetherole St.

City

Elmhurst

State

NY

Zip

11373

Last Address

Street

8525 120th St. APT 6C

12/4/07
GARDEN CITY, NY

Work or School

Goldman Sachs & Co.

Street

30 Hudson St.

City

Jersey City

State

NJ

Zip

07302

Entry into the U.S.

Port of Entry

Newark, NJ

Date of Entry

03/02/2007

If not a Permanent Resident, stay expires on

Confirmation

**Confirmation Number for this Change of Address
is**

COA17107000286

06/20/2007 09:45

Date Submitted

06-20-2007 09:39 AM EDT

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Online](#)

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USCIS Online Change of Address

Confirmation Page

Your Online Change of Address electronic confirmation number for your **Form N400** is: **CA11710700441NSC**. Please print this page for your records.

Thank you for completing your change of address online.

You have successfully notified USCIS to update your address on the application or petition about which you provided information in the previous screens. If you have another pending application or petition, you will receive separate Online Change of Address confirmation numbers for each application or petition in which you complete an online change of address.

You should expect USCIS to send you a notification within 45 days that we have received your Change of Address and have updated your pending Application or Petition. If you do not receive a notification within 45 days, please call customer service at 1-800-375-5283 and have your Online Change of Address electronic confirmation number listed above with your Pending Form Number available.

Next Step

- If you have any other applications or petitions pending with USCIS, please click to [Create another Online Change of Address](#).

06-20-2007 09:43 AM EDT

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E

U.S. Department of Homeland Security
Nebraska Service Center
P.O. Box 82521
Lincoln, NE 68501-2521



**U.S. Citizenship
and Immigration
Services**

Wednesday, July 18, 2007

MOHAMMOD MOHAKEM KHAN
60-36 WETHEROLE ST.
ELMHURST NY 11373

Dear Mohammad Mohakem Khan:

On 06/20/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	Applicant or Petitioner
Attorney Name:	
Case type:	N400
Filing date:	Information not available
Receipt #:	LIN*000650642
Beneficiary (if you filed for someone else):	Khan, Mohammad, Mohakem
Your USCIS Account Number (A-number):	A046765400
Type of service requested:	Change of Address

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

One final note: When you called you or your representative asked that we update your address on your pending case for the purpose of processing. We have updated your address. Your address now appears on your application or petition as the address shown above.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

F

A#: 46 765 400

On AUG 27 2004, you were interviewed by INS Officer Baus

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak / _____ read / _____ / write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on the Form N-14.
- ☐ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability / _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A) _____ Congratulations! Your application has been recommended for approval. At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ~~_____~~ A decision cannot yet be made about your application.

It is very important that you:

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

5/31/05 - CASE Pending FBI Name Check. #12669

ASC/COLO Standard Operating Procedures

DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: KHAN MOHAMMAD MOHAKEM
Last First Middle Suffix

DATE OF BIRTH: 1979 10 17 PHONE #: 303.359 2841
Year Month Day

PLACE OF BIRTH: BANGLADESH SEX: (Male or Female) MALE

RACE: Check the most appropriate code below:

☐ American Indian or Alaskan Native ☐ Black ☐ White (Hispanic also check)

☒ Asian or Pacific Island ☐ Unknown

HEIGHT: 5 Feet 8 Inches

WEIGHT: 180 Pounds

EYE COLOR: Check the most appropriate code below:

☒ Black ☐ Brown ☐ Green ☐ Gray ☐ Pink ☐ Hazel ☐ Blue ☐ Maroon

HAIR COLOR: Check the most appropriate code below:

☒ Black ☐ Bald ☐ White ☐ Sandy ☐ Red ☐ Gray ☐ Blonde ☐ Brown

COUNTRY OF CITIZENSHIP: BANGLADESH

SOCIAL SECURITY NUMBER: 636 34 5655

ALIEN REGISTRATION NUMBER: A 046 765 400

LIST ANY OTHER NAMES YOU HAVE USED:

KHAN MOHAMMAD M
Last First Middle Suffix

RESIDENCE ADDRESS (List mailing address if different from residence):

12726 E. PACIFIC DR. #202 AURORA CO 80014
Street number and name Apartment # City State Zip Code

REASON FOR FINGERPRINT APPLICATION: (1-485, 1-589, 1-600, 1-821, N-400): N-400

FD-258 Completed at ASC		LOCAL AIW STAMP	
On: <u>6/3/04</u>	By: <u>837525</u>	<u>DC</u>	
QC Check Completed By: <u>[Signature]</u>			

Attachment 3-B
 Change 6
 4/18/03

G



**U.S. Citizenship
and Immigration
Services**

Information for Our Applicants Regarding National Security Checks:

A final decision cannot be made on any application for naturalization or adjustment of status to that of a permanent resident until national security checks are complete and the local CIS office receives a response.

This process is sometimes very lengthy. Authorities in the Washington, D.C. area complete the checks and this office has no control over the process. In fact, it is not unusual for the checks to take well over six months.

It is important to understand that your case is not the only one pending security checks. At any time there are hundreds of cases pending in our office due to national security checks and a significant portion of the checks take more than six months. Cases with pending security checks are queried every week to ensure that those that have cleared are acted on in a timely manner.

Thank you for your patience and, with this information in mind, I ask that you wait at least 120 days from the date of your interview before making any inquiries into the status of your case. This will help us use our personnel to complete cases rather than diverting them to answer premature status inquiries.

You were interviewed on AUG 27 2004 for naturalization /adjustment of status.

Sincerely,

Mario R. Ortiz

Mario R. Ortiz
District Director.

H



**U.S. Citizenship
and Immigration
Services**

**DENVER DISTRICT OFFICE
4730 PARIS ST
DENVER, CO 80239
STATUS INQUIRY**

**MOHAMMOD KHAN
9100 E FLORIDA AVE APT 15-201
DENVER, CO 80247**

Dear MOHAMMOD KHAN,

On 12/08/2004 you, or your designated representative, contacted the Citizenship and Immigration Services National Customer Service Center to request the status of your application.

The information provided to the Customer Service Representative is as follows:

Acknowledgment Letter Date:	Application Type: N-400
Filing Date: 03/04/2004	Date of Birth: 10/17/1979
File Number: 046765400	Receipt Number:
Alien Registration Number: 046765400	Social Security:
Country of Origin: BANGLADESH	
Phone: (303)359-2841	

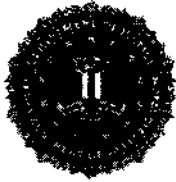
Thank you for contacting CIS National Customer Service Center.

The status of your claim is:

Your application is still pending FBI name checks, which is required by The Department of Homeland Security. As soon as these checks are complete then we can move forward with your case.

**Thank you
U.S.C.I.S.**

I



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

February 22, 2005

MR. MOHAMMOD MOHAKEM KHAN
APARTMENT 15-201
9100 EAST FLORIDA AVENUE
DENVER, CO 80247

Request No.: 1014303- 000
Subject: KHAN, MOHAMMOD MOHAKEM

Dear Mr. Khan:

This is in response to your Freedom of Information-Privacy Acts (FOIPA) request noted above.

A search of the automated indices to our central records system files located no records at FBI Headquarters responsive to your FOIPA request.

Although no records responsive to your FOIPA request were located in our automated indices, we are required to inform you that you are entitled to file an administrative appeal if you so desire. Appeals should be directed in writing to the Co-Director, Office of Information and Privacy, U. S. Department of Justice, Suite 570, Flag Building, Washington, D.C. 20530, within 60 days from the date of this letter. The envelope and the letter should be clearly marked "Information Appeal." Please cite the FOIPA request number assigned to your request so that it may easily be identified.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Hardy", is written over a horizontal line.

David M. Hardy
Section Chief,
Record/Information
Dissemination Section
Records Management Division

J

From: FBINNCP Email <FBINNCP@ic.fbi.gov>
To: Mohakem Khan <mohakem.khan@gmail.com>
Date: Aug 16, 2005 3:52 PM
Subject: RE: Status of "FBI Name Check" Process
for US Citizenship

Reply | Reply to all | Forward | Print |
Add sender to Contacts list | Delete this message |
Report phishing | Show original | Message text garbled?

Dear Mohammad Mohakem Khan:

I am responding to your email dated February 7, 2005,
concerning your name check status for immigration
purposes.

A review of the FBI's Name Check Program database
revealed that a request from the U.S. Citizenship and
Immigration Services for you was received on April 20,
2004, and it is currently is a pending status. You may be
assured that the immigration authorities will be advised at
the earliest possible date upon completion of this case.

Sincerely,

Michael A. Cannon/gmg
Chief, National Name Check
Program Section
Records Management Division

From: Mohakem Khan
[mailto:mohakem.khan@gmail.com]
Sent: Mon 2/7/2005 6:45 PM
To: FBINNCP Email
Subject: Status of "FBI Name Check" Process for US
Citizenship

To Whom It May Concern:
I have applied for US Citizenship and my file is being
processed at
Denver INS District Office. All the processes have been
completed and
my file was referred to FBI for name check.

I would really appreciate if you could provide me with any
sort of
update on the status for that name check process.
Following are my
personal information:

Name: Mohammad Mohakem Khan
Date of Birth: 10/17/1979
Alien#: 046 765 400
INS Filing Reference# LIN*000650642

Please feel free to contact if you need any other
information. Looking
forward to hear from you.

—
Sincerely,
Mohammad Mohakem Khan
Denver, CO
(303)-359-2841

K

*Office of the
Citizenship and Immigration Services Ombudsman*

U.S. Department of Homeland Security
Mail Stop 1225
Washington, D.C. 20528-1225



**Homeland
Security**

May 18, 2007

Mr. Mohammad Mohakem Khan
85225 120th St. Apt. 6C
Kew Gardens, NY 11415

Dear Mr. Khan:

Thank you for your recent inquiry regarding your immigration issue.

Upon receipt of your information, the office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) initiated a formal inquiry with the U.S. Citizenship and Immigration Services (USCIS). USCIS should issue a response to you within forty-five (45) days. If you do not receive a response within this period, please notify our office.

Please be aware that although the office of the CIS Ombudsman collaborates with USCIS, it is an independent entity within the Department of Homeland Security (DHS). The office of the CIS Ombudsman is charged with assisting individuals who experience difficulties with the USCIS benefits process. Additionally, the office of the CIS Ombudsman is dedicated to identifying systemic problems in the immigration benefits process, and to recommending solutions to USCIS. Therefore, the concerns you raised in your letter will be considered as our office develops recommendations to improve USCIS' administrative practices.

Once again, thank you for contacting the office of the CIS Ombudsman, and for giving us the opportunity to serve you.

Sincerely,

Prakash Khatri
Ombudsman

PIK/bh 

L



**U.S. Citizenship
and Immigration
Services**

HQCIS 181/48.2-C

JUN 04 2007

Mr. Mohammad M. Khan
Apartment 6 C
8525 120th Street
Kew Gardens, NY 11415

Dear Mr. Khan:

Thank you for your letter dated May 3, 2007, to the U.S. Citizenship and Immigration Services Ombudsman (CISO). Your letter concerning your immigration status was assigned case # 673391 and forwarded to the Customer Assistance Office for a response.

Your inquiry concerning your pending N-400, Application for Naturalization has been reviewed. However, we regret the length of time it has taken to process your application for naturalization. The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete.

We have enclosed Fact Sheet – Immigration Security Checks—How and Why the Process Works, and USCIS Clarifies Criteria to Expedite FBI Name Check.

If you require additional assistance, forms and/or filing instructions, we invite you to visit our web site at www.uscis.gov or, if you do not have Internet access, contact customer service at 1-800-375-5283.

Sincerely,

A handwritten signature in cursive script, reading "Fairy D. White", is written over a horizontal line.

Fairy D. White
Supervisory Program Specialist
Customer Assistance Office
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

Enclosures: Fact Sheet – Immigration Security Checks—How and Why the Process Works
USCIS Clarifies Criteria to Expedite FBI Name Check.

M



**Department of Homeland Security
Citizenship and Immigration Services**

A46 765 400

*26 Federal Plaza
New York, NY 10278*

January 22, 2008

Mohammad Mohakem Khan
60-36 Wetherole Street
Elmhurst, New York 11373

Dear Applicant:

This will acknowledge receipt of your inquiry dated December 4, 2007 regarding the status of your application for naturalization.

Please be advised that your application is pending receipt of security checks. Upon receipt of all security checks, a decision will be made on your application for naturalization.

We hope the information provided is helpful. Thank you for your patience and cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Evertz", written over a horizontal line.

George Evertz
Immigration Information Officer
Citizenship and Immigration Services
Naturalization Section
New York District

N

Congressional Unit

GIVE THIS YOUR IMMEDIATE ATTENTION !



File No: 46765400
Date : 1/29/2008
Ctrl : **08-3317**

In Re: **Khan, Mohammad Mohake**

Information requested by : **WEINER, ANTHONY DAVID**
80-02 KEW GARDENS ROAD, ROOM 5000 KEW GARDENS, NY

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

To: **CON**

Information requested: **FOR REVIEW AND RESPONSE. DUE BY 2/28/2008**

Status of N-400.

Information furnished:

LISCIS is pending completion of all background security checks prior to making a final decision on the application. Unfortunately, no time frame can be offered as to when completion of the background checks will take place. However, please be advised that once a final decision is made on the application, the applicant will receive a written notification.

Amy Chang L 1/29/08
(Signature of Officer or Employee)

Approved by:

[Signature]
(Signature of Supervisor)

Location:

[Signature]